

**E-Filing**

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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12  
13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 JOSE LUIS MARTINEZ-OROZCO,

17 Defendant.  
18

No. 05-70618 HRL

19  
20  
21 STIPULATION AND [PROPOSED]  
ORDER EXCLUDING TIME

22 SAN JOSE VENUE

23 On September 8, 2005, the parties in this case appeared before the Court for an arraignment.  
24 At that appearance, Assistant United States Attorney Susan Knight explained to the Court that  
25 the government has offered the defendant a "fast-track" resolution of his illegal reentry case,  
26 however, he may not have an aggravated felony conviction which would result in a sentencing  
27 range less than the proposed 30 months. Therefore, in order to fully investigate the defendant's  
28 criminal history, the parties requested that the arraignment be continued to September 29, 2005 at  
9:30 a.m. In addition, the defendant, through his counsel, agreed to an exclusion of time under  
Rule 5 of the Federal Rules of Criminal Procedure and the Speedy Trial Act from September 8,

2005 to September 29, 2005. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

SO STIPULATED:

KEVIN V. RYAN  
United States Attorney

DATED: \_\_\_\_\_

/s/  
SUSAN KNIGHT  
Assistant United States Attorney

DATED: \_\_\_\_\_

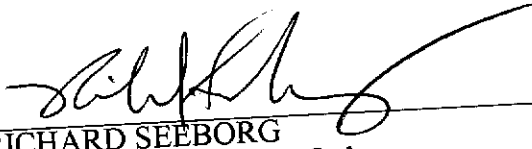
/s/  
ANGELA HANSEN  
Assistant Federal Public Defender

Accordingly, the Court HEREBY ORDERS that the preliminary hearing or arraignment is continued to September 29, 2005 at 9:30 a.m. before the Honorable Judge Lloyd. Good cause is shown and the continuance is proper under Rule 5 of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3060.

For good cause shown, the Court FURTHER ORDERS that time be excluded under the Speedy Trial Act from September 8, 2005 to September 29, 2005. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

SO ORDERED.

DATED: 9/12/05

  
RICHARD SEEBORG  
United States Magistrate Judge

1 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
2 "conformed" signature (/S/) within this efiled document.

3  
4 DATED: \_\_\_\_\_

\_\_\_\_\_/s/\_\_\_\_\_  
SUSAN KNIGHT  
Assistant United States Attorney

**Other Documents**

5:05-mj-70618-HRL USA v. Martinez-Orozco

U.S. District Court  
Northern District of California  
**Notice of Electronic Filing or Other Case Activity**

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The following transaction was received from Knight, Susan on 9/12/2005 at 10:05 AM

**Case Name:** USA v. Martinez-Orozco  
**Case Number:** 5:05-mj-70618  
**Filer:** USA  
**Document Number:** 7

**Docket Text:**  
STIPULATION *and proposed order excluding time* by USA as to Jose Luis Martinez-Orozco (Knight, Susan) (Filed on 9/12/2005)

The following document(s) are associated with this transaction:

**Document description:** Main Document  
**Original filename:** N:\SKreider\Martinez\_Rule\_5\_and\_STA\_exclusion.pdf  
**Electronic document Stamp:**  
[STAMP CANDStamp\_ID=977336130 [Date=9/12/2005] [FileNumber=2104670-0]  
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a8e668ad00bd1d3d920c810b0cd29fb90b9f797d99b12d845ba03a9ef0f]]

**5:05-mj-70618-1 Notice will be electronically mailed to:**

Susan Frances Knight Susan.Knight@usdoj.gov,

Jay Rorty jay\_rorty@fd.org, susie\_barrera@fd.org

**5:05-mj-70618-1 Notice will NOT be electronically mailed to:**